

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: Chair David Howard, on April 6, 2011 at 3:15 PM, in Room 152 Capitol

ROLL CALL

Members Present:

Rep. David Howard, Chair (R)
Rep. Cary Smith, Vice Chair (R)
Rep. Liz Bangerter (R)
Rep. Timothy Furey (D)
Rep. Ellie Boldman Hill (D)
Rep. Chuck Hunter (D)
Rep. Pat Ingraham (R)
Rep. Dan Kennedy (R)
Rep. Michael (Mike) More (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Joe Read (R)
Rep. Dan Skattum (R)

Members Excused: Rep. Pat Noonan, Vice Chair (D)

Members Absent: Rep. Steve Fitzpatrick (R)
Rep. Max Yates (R)

Staff Present: KarenDe Herman/Cara Gold, Committee Secretary
Sue O'Connell, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 423, 4/1/2011

Executive Action: SB 423

00:00:54 Chairman Howard welcomed the committee.

HEARING ON SB 423

Opening Statement by Sponsor:

00:02:11 Sen. Jeff Essmann (R), SD 28, opened the hearing on SB 423, Generally revise laws relating to use of marijuana.

EXHIBIT(huh77a01)

00:10:14 Rep. Noonan, Rep. Fitzpatrick and Rep. Yates entered the hearing.

00:21:51 Sue O'Connell, Legislative Services Division (LSD)

EXHIBIT(huh77a02)

EXHIBIT(huh77a03)

EXHIBIT(huh77a04)

00:27:21 Chairman Howard

00:28:52 Rep. Hill

00:29:32 Chairman Howard

00:30:37 Rep. Furey

00:30:45 Chairman Howard

00:30:54 Rep. Hill

00:31:27 Sue O'Connell, LSD

00:32:46 Chairman Howard

00:33:19 Rep. Noonan

00:34:02 Chairman Howard

Proponents' Testimony:

00:34:20 Roy Kemp, Deputy Administrator of the Quality Assurance Division, Department of Public Health and Human Services (DPHHS)

00:44:46 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

00:48:26 Cheryl Wood, Montana Association of Counties (MACo)

00:49:59 Jon Bennion, Montana Chamber of Commerce

00:51:14 Ed Bartlett, City of Billings, County of Yellowstone and The Billings Chamber of Commerce

00:53:25 Mark Long, Montana Narcotics Officers Association

00:53:56 Pat Keim, Columbia Grain Company and Alternatives Inc.

EXHIBIT(huh77a05)

00:57:50 Ali Bovingdon, Attorney General's Office, The Montana Department of Justice (DOJ)

EXHIBIT(huh77a06)

01:00:54 Mark Murphy, Montana Police Protective Association, MACo, Montana County Attorneys Association (MCAA)

01:01:30 Chairman Howard

01:01:35 Mark Murphy

01:03:44 Mike Foster, Catholic Hospitals of Montana

01:06:02 Joel Murdy, Self

EXHIBIT(huh77a07)

01:09:55 Riley Johnson, The National Federation of Independent Business (NFIB)

01:11:28 Sarah Baugh, Citizens for Cannabis Comprehension

[**EXHIBIT\(huh77a08\)**](#)

01:12:32 Tom Daubert, Patients and Families United

Opponents' Testimony:

01:14:39 Rep. Diane Sands, HD 95

01:20:38 Rep. Gary MacLaren, HD 89

01:22:11 Tawnya LaFond, The Patch Inc.

[**EXHIBIT\(huh77a09\)**](#)

01:24:16 Nathan Pierce, Montanans for Responsible Legislation

01:24:56 Chairman Howard left the hearing.

01:25:59 Rep. More

01:26:16 Nathan Pierce

01:27:07 Tayln Lang, Self

01:28:20 Chairman Howard returned to the hearing.

01:30:21 Kate Cholewa, The Alliance for Cannabis Science

01:34:12 Rose Habib, Self

01:38:16 John Barrows, Montana Newspaper Association

01:39:35 Jim Gingery, Montana Medical Growers Association

01:43:49 Travis Greene, Lionheart Caregiving

01:45:44 Jennifer Fanuzzi, Lionheart Caregiving

[**EXHIBIT\(huh77a10\)**](#)

01:48:22 Barb Trego, Self

01:49:33 Laura Needham, Self

[**EXHIBIT\(huh77a11\)**](#)

01:52:32 William Reid, Self

01:55:21 Jack Mayes-Gentry, The Patch Inc.

01:57:31 Mike Furlong, 3MC

02:00:54 Steve Zabawa, Self

02:04:22 Barbie McLaws, Safe Community, Safe Kids

02:05:39 Janet Whitmoyer, Montana Medical Association

02:06:21 Cherrie Brady, Self

02:09:11 James Haney, Heaven Scent Cannabis of Montana

02:09:23 Grant Bonnice, Self

Informational Testimony:

02:10:01 Pat Bollinger, Montana Board of Medical Examiners

[**EXHIBIT\(huh77a12\)**](#)

02:12:14 Steve Zabawa, Self

Questions from Committee Members and Responses:

02:13:18 Rep. Hill

02:14:46 Roy Kemp

02:14:53 Rep. Hill
02:15:03 Roy Kemp
02:15:26 Rep. Hill
02:15:54 Roy Kemp

02:16:48 Rep. Bangerter left the hearing.

Closing by Sponsor:

02:17:37 Sen. Essmann

02:20:46 Recess
02:36:12 The committee resumed and all committee members were present.

02:36:23 Chairman Howard

EXECUTIVE ACTION ON SB 423

02:36:56 **Motion:** Rep. C. Smith moved that **SB 423 BE CONCURRED IN.**

02:37:19 Rep. Furey
02:38:32 Chairman Howard

02:38:39 **Substitute Motion:** Rep. Hill made a substitute motion that **EXECUTIVE ACTION ON SB 423 BE POSTPONED.**

Discussion:

02:39:44 Rep. Smith
02:41:53 Rep. More
02:43:01 Rep. Noonan
02:44:01 Rep. Bangerter
02:44:22 Sue O'Connell, LSD
02:44:52 Rep. Bangerter
02:45:09 Sue O'Connell
02:45:31 Rep. Hunter
02:46:50 Chairman Howard
02:47:14 Rep. Skattum
02:47:28 Rep. Hill
02:47:44 Sue O'Connell
02:47:58 Rep. Hill
02:48:09 Sue O'Connell
02:48:36 Rep. Smith
02:48:54 Rep. Hill
02:48:57 Rep. Smith
02:49:44 Rep. Fitzpatrick
02:50:05 Rep. Smith
02:50:30 Chairman Howard

02:50:50 **Vote:** Motion failed 7-8 by roll call vote with Rep. Bangerter, Rep. Furey, Rep. Hill, Rep. Hunter, Rep. Noonan, Rep. Pease-Lopez and Rep. Smith voting aye.

02:52:04 **Motion:** Rep. Noonan moved that **SB 423 BE AMENDED.**
EXHIBIT(huh77a13)

Discussion:

02:53:07 Rep. Bangerter
02:53:21 Rep. Furey
02:53:51 Rep. Kennedy
02:54:04 Rep. Hunter
02:55:12 Rep. More
02:55:56 Rep. Hill

02:57:29 **Vote:** Motion failed 5-10 by roll call vote with Rep. Furey, Rep. Hill, Rep. Hunter, Rep. Noonan and Rep. Pease-Lopez voting aye.

02:58:20 **Motion:** Rep. C. Smith moved that **SB 423 BE AMENDED.** (See Exhibit 2)

Discussion:

02:59:20 Rep. Smith
03:10:27 Rep. Noonan
03:11:38 Rep. Fitzpatrick
03:12:11 Rep. Hill
03:12:34 Sue O'Connell
03:13:41 Rep. Hill
03:13:59 Sue O'Connell
03:14:15 Rep. Pease-Lopez
03:15:04 Rep. Smith
03:15:14 Sue O'Connell
03:16:12 Rep. Skattum
03:16:29 Rep. Smith
03:17:16 Rep. Skattum
03:17:40 Rep. Yates
03:19:10 Rep. Hill
03:19:39 Rep. Noonan
03:19:47 Rep. Hunter
03:21:35 Rep. Hill
03:23:44 Chairman Howard
03:25:52 Rep. Read
03:26:58 Rep. Kennedy

03:27:00 **Vote:** Motion carried 10-5 by roll call vote with Rep. Fitzpatrick, Rep. Furey, Rep. Hill, Rep. Noonan and Rep. Pease-Lopez voting no.

03:27:50 **Motion/Vote:** Rep. C. Smith moved that **SB 423 BE CONCURRED IN AS AMENDED.** Motion carried 12-3 by roll call vote with Rep. Furey, Rep. Hill and Rep. Noonan voting no. Rep. Smith will carry the bill.

ADJOURNMENT

03:28:59 Adjournment

Cara Gold, Secretary

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Additional Exhibits:

[EXHIBIT\(huh77a14\)](#)

Additional Documents:

EXHIBIT([huh77aad.pdf](#))